

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EON STRUTHERS,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS;
CYNTHIA BRANN; PATSY YANG;
MARGARET EGAN,

Defendants.

20-cv-9412 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On December 23, 2020, the Court ordered Plaintiff Eon Struthers to file a second amended complaint that complied with the standards outlined in the Court's Order. Dkt. 8. The Court ordered Plaintiff to submit his second amended complaint to the Pro Se Intake Unit within sixty days of December 23, 2020. *Id.* The Court explained that if Plaintiff failed to comply, and could not show good cause to excuse such failure, the complaint would be dismissed for failure to state a claim upon which relief may be granted. *Id.*

Plaintiff did not comply with the Court's December 23, 2020 Order and did not file a second amended complaint. On April 16, 2021, the Court issued an order to show cause why the Complaint should not be dismissed for failure to state a claim upon which relief may be granted and for failure to prosecute this action. The Court informed Plaintiff that he could show cause by sending a letter to the Court's Pro Se Intake Unit. That order was returned to the Court as undeliverable.


Federal Rule of Civil Procedure 41 authorizes a court to dismiss an action for failure to prosecute or comply with an order of the Court. Fed. R. Civ. P. 41(b); *see LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute"). In

light of Plaintiff's failure to comply with the Court's Order to Amend dated December 23, 2020, the Court dismisses this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The Clerk of Court is respectfully directed to close this case. The Court will not mail a copy of this Order to Plaintiff because the April 16, 2021 Order was returned as undeliverable, and it was Plaintiff's responsibility to inform the Court if his address changed. *See* Dkt. 6 at 2.

SO ORDERED.

Dated: August 19, 2021
New York, New York



JOHN P. CRONAN
United States District Judge